

ATTORNEY DOCKET NO  
1369 - CA - C1

PATENT  
U.S. 10/824,575

### Remarks/ Arguments

In response to the Office Action mailed August 20, 2004, Applicant respectfully requests that the Examiner reconsider the objections to, and rejections of, the claims.

Claims 35 - 62 remain.

Claims 35 and 54 have been amended.

Claims 49 - 53 are allowed.

Claims 36, 38 - 48, 55, 56, and 58 - 62 stand objected to.

Claims 35, 37, 54, and 57 stand rejected.

Claims 35, 37, 54, and 57 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cressey (U.S. Patent 4,656,490) (hereinafter "the Cressey reference"). Applicant respectfully traverses these rejections.

Anticipation rejections under 35 U.S.C. § 102(e) require identity of invention. In other words, the Examiner has the burden of identifying, *prima facie*, each and every feature of each and every claim rejected as anticipated in a single prior art reference. Claims 35, 37, 54, and 57 however include features that are substantially different from the teachings of the Cressey reference.

Specifically, the Cressey reference does not teach converting a sampled data stream into a duty cycle modulated signal stream and filtering that stream with a finite impulse response (FIR) having a transfer function for attenuating multiples of the resulting duty cycle modulation frequency. Instead, the system disclosed in Cressey first performs a FIR - like filtering operation on the baseband digital signal prior to performing pulse width modulation.

As shown in FIGURE 2 of the Cressey reference, FIR block 13, which is not a traditional FIR filter, but rather a two - output counter, splits the selected clock signal CLK into eight (8) signals of different phases. One of these signals is selected by

ATTORNEY DOCKET NO  
1369 - CA - C1

PATENT  
U.S. 10/824,575

multiplexer 14 and then converted into a pulse width modulated signal by signal selector 15. Analog filter 16 filters the pulse width modulated signal to provide the frequency shift key (FSK) or phase shift key (PSK) output signal. (See, for example, the *Cressey* reference, Abstract, Lines 9 - 20),

At a minimum, the filtering and modulation operations shown in the *Cressey* reference are reversed in order from the modulation and filtering operations of Claims 35, 37, 54, and 57. Therefore, the rejections of Claims 35, 37, 54, and 57 should be withdrawn.

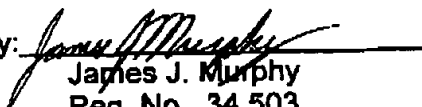
No new matter has been added; the claims have been merely amended to more particularly claim the subject matter Applicant believes is inventive. Applicant respectfully submits that the Claims as they now stand are patentably distinct over the art cited during the prosecution thereof.

Applicant respectfully requests a First Month Extension of Time to File this Response. Enclosed with this paper is Form PTO/SB/22 with Extension Fees in the amount of \$110.00 as reflected on the PTO/SB/17 Fee Transmittal.

With the addition of no new claims, no additional filing fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account Number 20-0821 of Thompson & Knight LLP.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (214) 969 - 1749.

Respectfully submitted,  
Thompson & Knight LLP  
Attorneys for Applicant

By:   
James J. Murphy  
Reg. No. 34,503

ATTORNEY DOCKET NO  
1369 - CA - C1

PATENT  
U.S. 10/824,575

Thompson & Knight LLP  
1700 Pacific Ave., Suite 3300  
Dallas, TX. 75201

Date: December 2, 2004